ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1858

By: Morgan (Fred), Blackwell and Smithson of the House

and

Coffee of the Senate

(Uniform Retirement System for Justices and Judges – amending 20 O.S., Section 1102 – teaching position – codification – effective date –

emergency)

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause and entire bill and insert

"[Uniform Retirement System for Justices and Judges – amending 20 O.S. Section 1102 – teaching position – effective date –

emergency]

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

SECTION 1. AMENDATORY 20 O.S. 2001, Section 1102, as amended by Section 1, Chapter 438, O.S.L. 2002 (20 O.S. Supp. 2004, 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 courts in the State of Oklahoma for a period of eight (8) years or longer and upon reaching or passing the age of sixty-five (65) years, or who serves for a period of ten (10) years or longer and upon reaching or passing the age of sixty (60) years, or whose sum of years of service and age equal 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 Justice or judge is still serving in such capacity when the above requirements are complied with, ~~he~~ the Justice or judge may elect to retire and may elect whether such retirement shall become effective immediately or at a specified time within ~~his~~ the term of the Justice or judge or at the expiration of ~~his~~ the term of the Justice or judge, by filing a written declaration of ~~his~~ the desire of the Justice or judge to retire with the Governor and the Court Administrator, and the Governor shall endorse ~~his~~ approval of the Governor 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 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~~ of service 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 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~~ any accumulated contributions of the Justice or judge 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~~ the Justice or judge 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~~ the Justice or judge might be entitled under the Oklahoma Public Employees Retirement System or county retirement system to which ~~he~~ the Justice or judge may have a vested or contractual interest but ~~he~~ the Justice or judge 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 Justice or judge shall become vacated immediately or at the specified time within ~~his~~ the term of the Justice or judge, or at the expiration of ~~his~~ the term of the Justice or judge in accordance with the election of the Justice or judge desiring retirement status, and any such vacancy so created shall be filled in the manner provided by law and the Constitution. Provided, however, if any retired Justice or judge should be elected or appointed to any political or judicial office, ~~his~~ the retirement compensation of the Justice or judge shall be suspended during the period of time that ~~he~~ the Justice or judge holds such office and be reinstated upon ~~his~~ leaving such office. Notwithstanding any other provision of this section or any other provision of law to the contrary, a retired Justice or judge shall be permitted to be employed by any college or university within The Oklahoma State System of Higher Education as a full-time or part-time member of the faculty or as a teacher in any common school or career and technology education entity without suspension of retirement benefits.

SECTION 2. This act shall become effective July 1, 2005.

SECTION 3. 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 18th day of April, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

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Presiding Officer of the House
of Representatives