

CS for EHB 1858

1 THE STATE SENATE
2 Tuesday, April 12, 2005

3 Committee Substitute for
4 ENGROSSED
5 House Bill No. 1858

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1858 - By: MORGAN
7 (Fred), BLACKWELL and SMITHSON of the House and COFFEE of the
8 Senate.

9 [Uniform Retirement System for Justices and Judges -
10 amending 20 O.S., Section 1102 - teaching position -
11 effective date -
12 emergency]

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

14 SECTION 1. AMENDATORY 20 O.S. 2001, Section 1102, as
15 amended by Section 1, Chapter 438, O.S.L. 2002 (20 O.S. Supp. 2004,
16 Section 1102), is amended to read as follows:

17 Section 1102. Any Justice or Judge of the Supreme Court, Court
18 of Criminal Appeals, Workers' Compensation Court, Court of Appeals
19 or District Court who serves as Justice or judge of any of said
20 courts in the State of Oklahoma for a period of eight (8) years or
21 longer and upon reaching or passing the age of sixty-five (65)
22 years, or who serves for a period of ten (10) years or longer and
23 upon reaching or passing the age of sixty (60) years, or whose sum
24 of years of service and age equal or exceeds eighty (80), after
25 completing eight (8) years of judicial service, shall be eligible to
26 receive the retirement benefits herein provided, and, if such

1 Justice or judge is still serving in such capacity when the above
2 requirements are complied with, ~~he~~ the Justice or judge may elect to
3 retire and may elect whether such retirement shall become effective
4 immediately or at a specified time within ~~his~~ the term of the
5 Justice or judge or at the expiration of ~~his~~ the term of the Justice
6 or judge, by filing a written declaration of ~~his~~ the desire of the
7 Justice or judge to retire with the Governor and the Court
8 Administrator, and the Governor shall endorse ~~his~~ approval of the
9 Governor thereon if the conditions herein specified exist. For the
10 purpose of Section 1101 et seq. of this title, years to be credited
11 for retirement shall be as follows: Any Justice or judge who, at
12 the time this act was originally passed in 1968, was serving as a
13 Justice or judge of a court that is included in the State
14 Supernumerary Judges Act shall receive credit for retirement under
15 this act for each year said Justice or judge has served in any court
16 of record, and any Justice or judge who, on January 12, 1969, was
17 not serving as a Justice or judge of a court that was included in
18 the State Supernumerary Judges Act shall receive credit for each
19 year ~~he has served~~ of service as a Justice or judge of a court of
20 record, providing that ~~he~~ the Justice or judge has served a period
21 of two (2) years after assuming the office as a Justice or judge of
22 one or more of the above-mentioned courts, and, in determining the
23 periods of time above mentioned, a major fraction of a year shall

1 count as a whole year. Any Justice of the Supreme Court or Judge of
2 the Court of Criminal Appeals, Workers' Compensation Court, Court of
3 Appeals, or District Court, who has not served as a Justice or judge
4 of a court of record of the State of Oklahoma or a court that was a
5 court of record of the State of Oklahoma for a period of eight (8)
6 years, and who on January 13, 1969, was a member of the Oklahoma
7 Public Employees Retirement System, or the retirement system of any
8 instrumentality of the state, or the retirement system of any
9 county, shall not be required or permitted to become a member of, or
10 participant in, The Uniform Retirement System for Judges and
11 Justices provided for by Sections 1101 - 1107, inclusive, of this
12 title, unless within ninety (90) days after May 7, 1969, ~~he~~ the
13 Justice or judge elected to so become and waived or forfeited any
14 right to which ~~he~~ the Justice or judge might have been entitled
15 under the Oklahoma Public Employees Retirement System or the
16 retirement system of any instrumentality of the state, or of a
17 county, except the right of a refund of ~~his~~ any accumulated
18 contributions of the Justice or judge without interest thereon. No
19 Justice of the Supreme Court or Judge of the Court of Criminal
20 Appeals, Workers' Compensation Court, Court of Appeals, or District
21 Court, who has served as a Justice or judge of a court of record of
22 the State of Oklahoma or a court that was a court of record of the
23 State of Oklahoma for a period of eight (8) years or more prior to

1 January 13, 1969, and who was a member of the Oklahoma Public
2 Employees Retirement System or a county retirement system on January
3 12, 1969, and who on January 13, 1969, was a Justice or judge in any
4 of the aforementioned courts, shall be required to make an election
5 as to which retirement system ~~he~~ the Justice or judge shall be a
6 member of, and nothing in this act shall be construed so as to
7 require any such Justice or judge to forfeit any right to which ~~he~~
8 the Justice or judge might be entitled under the Oklahoma Public
9 Employees Retirement System or county retirement system to which ~~he~~
10 the Justice or judge may have a vested or contractual interest but
11 ~~he~~ the Justice or judge will be required to participate in The
12 Uniform Retirement System for Judges and Justices provided by
13 Sections 1101 - 1107, inclusive, of this title. No Justice or judge
14 of the above-mentioned courts shall be eligible to enter the
15 Oklahoma Public Employees Retirement System after January 13, 1969.
16 Upon approval by the Governor of an election of any Justice or judge
17 to retire as authorized by Section 1101 et seq. of this title, the
18 office held by such Justice or judge shall become vacated
19 immediately or at the specified time within ~~his~~ the term of the
20 Justice or judge, or at the expiration of ~~his~~ the term of the
21 Justice or judge in accordance with the election of the Justice or
22 judge desiring retirement status, and any such vacancy so created
23 shall be filled in the manner provided by law and the Constitution.

1 Provided, however, if any retired Justice or judge should be elected
2 or appointed to any political or judicial office, ~~his~~ the retirement
3 compensation of the Justice or judge shall be suspended during the
4 period of time that ~~he~~ the Justice or judge holds such office and be
5 reinstated upon ~~his~~ leaving such office. Notwithstanding any other
6 provision of this section or any other provision of law to the
7 contrary, a retired Justice or judge shall be permitted to be
8 employed by any college or university within The Oklahoma State
9 System of Higher Education as a full-time or part-time member of the
10 faculty or as a teacher in any common school or career and
11 technology education entity without suspension of retirement
12 benefits.

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND GROUP HEALTH, dated
19 4-4-05 - DO PASS, As Amended.