ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1010

By: McDaniel (Randy) of the House

and

Mazzei of the Senate

An Act relating to public retirement systems; amending 20 O.S. 2001, Sections 1102, as last amended by Section 4, Chapter 435, O.S.L. 2010 and 1104, as last amended by Section 6, Chapter 464, O.S.L. 2005 (20 O.S. Supp. 2010, Sections 1102 and 1104), which relate to The Uniform Retirement System for Justices and Judges; modifying provisions related to normal retirement age; modifying factor used in retirement benefit computations for persons with specified date of initial membership; and providing an effective date.

AUTHOR: Add the following Senate Coauthor: Crain

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

"An Act relating to public retirement systems; amending 20 O.S. 2001, Section 1102, as last amended by Section 4, Chapter 435, O.S.L. 2010 (20 O.S. Supp. 2010, Section 1102), which relates to The Uniform Retirement System for Justices and Judges; modifying provisions related to normal retirement age; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2001, Section 1102, as last amended by Section 4, Chapter 435, O.S.L. 2010 (20 O.S. Supp. 2010, Section 1102), is amended to read as follows:

Section 1102. A. 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 shall be a member of ~~the~~ The Uniform Retirement System for Justices and Judges. ~~Any such member~~ For members whose initial service as a member of the System began prior to January 1, 2012, such member who serves 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. For members whose initial service as a member of the System began on or after January 1, 2012, such member who serves for a period of eight (8) years or longer and upon reaching or passing the age of sixty-seven (67) years or who serves for a period of ten (10) years or longer and upon reaching or passing the age of sixty-two (62) years shall be eligible to receive the retirement benefits herein provided. In determining the periods of time above mentioned a major fraction of a year shall count as a whole year. If such

Justice or judge is still serving in such capacity when the above requirements are complied with, the Justice or judge may elect to retire and may elect whether such retirement shall become effective immediately or at a specified time within the term of the Justice or judge or at the expiration of the term of the Justice or judge. The Justice or judge shall file a written declaration with the System and the Court Administrator of his or her desire to retire. The Court Administrator shall notify the Governor within five (5) business days of receiving the Notice of Retirement.

B. Upon filing of an election by 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 the term of the Justice or judge, or at the expiration of the term of the Justice or judge in accordance with the election of the Justice or judge desiring retirement status. Any such vacancy so created shall be filled in the manner provided by law and the Constitution.

C. If any retired member of the System should be elected or appointed to any judicial or other office covered by the System, the retirement compensation of the retired member shall be suspended during the period of time that the retired member holds such office and be reinstated upon 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 January 1, 2012."

Passed the Senate the 26th day of April, 2011.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2011.

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Presiding Officer of the House of Representatives

ENGROSSED HOUSE
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An Act relating to public retirement systems; amending 20 O.S. 2001, Sections 1102, as last amended by Section 4, Chapter 435, O.S.L. 2010 and 1104, as last amended by Section 6, Chapter 464, O.S.L. 2005 (20 O.S. Supp. 2010, Sections 1102 and 1104), which relate to The Uniform Retirement System for Justices and Judges; modifying provisions related to normal retirement age; modifying factor used in retirement benefit computations for persons with specified date of initial membership; and providing an effective date.

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

SECTION 3. AMENDATORY 20 O.S. 2001, Section 1102, as last amended by Section 4, Chapter 435, O.S.L. 2010 (20 O.S. Supp. 2010, Section 1102), is amended to read as follows:

Section 1102. A. 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 shall be a member of ~~the~~ The Uniform Retirement System for Justices and Judges. ~~Any~~ For members whose initial service as a member of the System is performed on or

after January 1, 2012, such member who serves for a period of eight (8) years or longer and upon reaching or passing the age of ~~sixty-five (65) years,~~ sixty-seven (67) 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,~~ sixty-two (62) years shall be eligible to receive the retirement benefits herein provided. In determining the periods of time above mentioned a major fraction of a year shall count as a whole year. If such Justice or judge is still serving in such capacity when the above requirements are complied with, the Justice or judge may elect to retire and may elect whether such retirement shall become effective immediately or at a specified time within the term of the Justice or judge or at the expiration of the term of the Justice or judge. The Justice or judge shall file a written declaration with the System and the Court Administrator of his or her desire to retire. The Court Administrator shall notify the Governor within five (5) business days of receiving the Notice of Retirement.

B. Upon filing of an election by 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 the term of the Justice or judge, or at the expiration of the term of the Justice or judge in accordance with

the election of the Justice or judge desiring retirement status. Any such vacancy so created shall be filled in the manner provided by law and the Constitution.

C. If any retired member of the System should be elected or appointed to any judicial or other office covered by the System, the retirement compensation of the retired member shall be suspended during the period of time that the retired member holds such office and be reinstated upon 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 4. AMENDATORY 20 O.S. 2001, Section 1104, as last amended by Section 6, Chapter 464, O.S.L. 2005 (20 O.S. Supp. 2010, Section 1104), is amended to read as follows:

Section 1104. Each justice or judge who is a member of The Uniform Retirement System for Justices and Judges ~~upon retirement after June 30, 2004~~ <u>and whose initial service as a member of the System is performed on or after January 1, 2012</u>, shall be entitled to receive as retirement compensation, until changed by the Legislature, an annual amount, each monthly payment of which shall

be in an amount equal to ~~four percent (4%)~~ two percent (2%) of the average monthly salary received by him or her as a justice or judge based on the highest three (3) years of active service multiplied by the number of total years of service and reduced according to the elected survivor option, if any. The amounts of compensation reported to the Oklahoma Public Employees Retirement System for the Uniform Retirement System for Justices and Judges, by the Office of Personnel Management prior to June 30, 2004, may be conclusively presumed as valid regarding the source of the compensation reported as salary for purposes of the accuracy of the employees' contributions and the computation of salary for the calculation of benefits. This presumption shall not include any computation error made by the Office of Personnel Management or the Oklahoma Public Employees Retirement System on behalf of ~~the~~ The Uniform Retirement System for Justices and Judges. Provided, however, that no justice or judge retiring after June 30, 2004, may receive a monthly retirement benefit in excess of one hundred percent (100%) of the average monthly salary based on the highest three (3) years of active service and found applicable to such justice or judge at the time of retirement. Retirement compensation shall be payable monthly out of the State Judicial Retirement Fund by warrants prepared by the Executive Director of the Public Employees Retirement System and issued by the State Treasurer.

SECTION 5. This act shall become effective January 1, 2012.

Passed the House of Representatives the 2nd day of March, 2011.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2011.

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Presiding Officer of the Senate